

**MINUTES OF THE GRANTSVILLE CITY PLANNING COMMISSION HELD
09/10/2015.**

The meeting was held in the Grantsville City Council Chambers at 429 E. Main Street in Grantsville, Utah. Those present were Commission Chairman Colleen Brunson, Commission Members Gary Pinkham, Erik Stromberg and Drew Allen, Council Liaison Member Neil Critchlow, Attorney Joel K. Linares, and Zoning Administrator Jennifer Williams. Absent was Commission Member Robbie Palmer. Also present was Eugene Marshall, Tyler Wheeler, Cory Mecham, David Gumicio, Joe Cange, and Chris Royal.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

7:00 P.M. PUBLIC HEARINGS:

- a. Proposed rezoning of 80 acres of land located south of Nygreen in the southeast area of the City for Clark Realty, LLC to go from a RR-1 zone to a R-1-21 zone.** The public hearing was opened by Chairman Brunson at 7:01 p.m. and she called for comments. With no comments being offered, Chairman Brunson closed the public hearing at 7:01 p.m.
- b. Proposed P.U.D. for Randy's Transmissions to install a Tuff Shed in the southeast corner at 54 East Main Street located in the CS zone.** The public hearing was opened by Chairman Brunson at 7:01 p.m. and she called for comments. With no comments being offered, Chairman Brunson closed the public hearing at 7:01 p.m.
- c. Proposed minor subdivision for Eugene and Beth Marshall dividing 4.187 acres of land from one (1) lot into two (2) lots at approximately 384 South Quirk Street in the R-1-21 zone.** The public hearing was opened by Chairman Brunson at 7:01 p.m. and she called for comments. With no comments being offered, Chairman Brunson closed the public hearing at 7:02 p.m.

**THE MEETING WAS OFFICIALLY CALLED TO ORDER BY CHAIRMAN,
COLLEEN BRUNSON, AT 7:02 P.M.**

- 1. Review of C.U.P. #14-30-1116 for a CNC machine business for Tyler and Camrin Wheeler at 69 West Durfee.** Tyler Wheeler represented this item for himself and Camrin Wheeler:

Drew Allen asked how business has been. He also asked if there have been any complaints or issues from neighbors.

Tyler Wheeler stated it has been good. There have been no complaints.

Gary Pinkham asked if he has expanded from one machine to two yet.

Tyler Wheeler stated he has not and will not expand for awhile.

Drew Allen, based on this review, moved to remove the constraints on the conditional use permit with regards to bringing it back for review and allow the conditional use permit to go into permanent status. Gary Pinkham seconded the motion. All voted in favor and the motion carried.

- 2. Consideration of a rezone of 80 acres of land located south of Nygreen in the southeast area of the City for Clark Realty, LLC to go from a RR-1 zone to a R-1-21 zone.** Joe Cange provided a memo to each Commission Member. He represented this item for Clark Realty, LLC and he stated to the Commission:

Clark Realty is requesting the rezoning of 80 acres to the R-1-21 to allow for the development of a community with a density of ½ acre units. They own the adjoining 120 acres also and plan to create a 200 acre community centered on the theme of parks, recreation, trails, trees, and open space. Their goal is to create a quality community not just another subdivision. They ask for this rezone for the following reasons. Number 1: the requested R-1-21 zoning is harmonious with the General Plan designation of Low Density Residential. Number 2: the R-1-21 zoning is consistent with the neighboring developments of South Willow Estates, Heritage Grove, Anderson Farms, Carriage Crossing, and Anderson Ranch. Number 3: the requested R-1-21 is a very suitable zone because it allows for ½ acre lots. These lots are very desirable. They are very livable. And they are not too big to maintain which makes a big difference in the overall appearance of the community. The R-1-21 zoning will provide the owner with the flexibility to design a quality community that fosters a high living standard for its residents. The size of this tract, the accessibility to the collector streets to the North, the topography of 1.6% creates great views, and the open space to the east and south gives a unique opportunity to create a very high outstanding real estate development.

Drew Allen asked if they have anything in mind at this point of what they will actually be doing when it comes to parks, recreation, and trails.

Joe Cange stated when he developed Palomino Ranch the theme there was horses. That parcel was 97 acres and they have about 55 lots. The theme here is open space, trails, and so on. His plan is from the very get go to put in a trail system, put in a park, and put in the infrastructure necessary to make it a quality community. Down in Palomino they put in a fence, put in some trees, and did all those infrastructure things before they sold a single lot. It has a community feeling. He is trying to create a community not just a subdivision. Long term it creates a more durable, livable, and successful community.

Drew Allen stated he reviewed the minutes from the rezone in 2009. Back then the idea of keeping these 80 acres at the one acre was to continue the rural feel in keeping the larger lots. Palomino Ranch is a good example of making a nice subdivision

while allowing the horses and the rural feel. When he reads through all the minutes, he has a hard time disagreeing with the logic that went into the initial decision to keep these 80 acres as one acre lots.

Joe Cange stated a couple things have happened since 2009. They sold 400 acres and the folks that bought it couldn't pay them so they got 200 back. As a consequence, he came back in 2009 and went to the irrigation company. They are getting very fussy on what they will allow for a minimum pressure on their system. His area rises 1.6% and so they can't put irrigation water up there. It would be very costly to use city water for pasture water. He has talked to Doug Cannon and Doug Young, who both develop land here, and they have told him that the one acre market is not very good. It would be hard to sell about 72 one acre lots. So he changed his theory a little bit. He wants to focus this project not on horses but on open space. He plans on putting a 2 mile pedestrian path along the entire property. He has talked to the Mayor about dedicating about 20 acres for a park. He will have densities going from $\frac{3}{4}$ down to $\frac{1}{2}$ acre. Palomino Ranch is zoned one acre and his smallest lot there is 1.5 acres. He has talked with the Hales and they felt like one acre is really not adequate for a horse. There is an ordinance that states you cannot have your horse within 100 feet of the neighbor's house. It is hard to do that and create a lot smaller than an acre and a half. In Palomino those lots are 440 by 150 and you can get your house and the neighbors separate from your horse. He feels the horse areas should be down on Cooley, on North Hale, on Race Street. So they should take this area up there with lesser quality soils and water problems and create a higher end community with a variety of sizes and even maybe some townhouses. He lived in the townhouse over on Quirk Street and that project was too dense. His goal is to create the highest quality of project he can but it will not be centered around horses.

Gary Pinkham stated this is in compliance with the existing general plan and zoning both. Most people moving into these subdivisions are not bringing a horse. It is difficult to get a place set up in such a way that meets our setback requirements for animals at the one acre size. The majority of the one acre lots we have in town are 50 to 60% unkept. This corner of town is going to housing. He's not sure making an allowance for retaining the horse property is necessary.

Drew Allen asked instead of rezoning if they have thought of doing the whole project as a P.U.D. He'd like to see more use of the P.U.D. where you can be more creative on land use instead of just strict on the zoning sizes so you can get more use of the parks, the mixed communities, townhomes, those sort of things to create some high quality developments in the city while still getting that blend of smaller lots, high density with open space. What they are describing could be a great opportunity to approach it more through that way. If they do the rezone here today then they have the $\frac{1}{2}$ acre lots not matter what whether they continue with what they tell us they are going to do. If something changes and the rezone happens without any guarantee of the open space and parks like they talked about, whereas, if they approach the entire 200 acres as a P.U.D. with the tradeoff of parks and open space versus lot sizes could all be taken into account to create the type of development they are thinking of.

Joe Cange stated this will be a P.U.D. They need to have the zoning correspond with what you are trying to do. If they have the 80 acres zoned one acre it is very hard for the City Council to approve any lots smaller than one acre because it doesn't correspond with the zoning. Some lots will be as small as 16,000 square feet and some will be as big as ¾ of an acre. In the P.U.D process they have to have the zoning correspond to their ultimate density. There are a couple key words here. One is flexibility. This designation to have ½ acre lots allows them the flexibility to do some lots smaller, to have the open space, and some lots bigger. They are trying to create a community here with a theme of open space, parks, trails, and so on. This theme would require them to do a P.U.D. because when you set aside 20 acres of open space in the front that means by mathematics that some lots will be a little bit smaller. He believes any lot smaller than 16,000 square feet is unlivable. A 16,000 square feet range at the minimum is the ideal size.

Colleen Brunson moved to approve the rezone of 80 acres of land located south of Nygreen in the southeast area of the City for Clark Realty, LLC to go from a RR-1 zone to a R-1-21 zone. Erik Stromberg seconded the motion. Chairman Brunson called for a roll call vote. The vote was as follows:

Erik Stromberg:	In Favor
Colleen Brunson:	In Favor
Gary Pinkham:	In Favor
Drew Allen:	Opposed

The motion carried. The application will go forward to City Council with a recommendation for approval.

3. Consideration of a P.U.D. for Randy's Transmissions to install a Tuff Shed in the southeast corner at 54 East Main Street located in the CS zone. David Gumicio represented this item for Randy's Transmissions and he stated to the Commission:

He is acting as agent for Randy Reyes owner of Randy's Transmissions. Also, here tonight is his general manager, Chris Royal. They are trying to move forward with their plan to creating a better working and community environment for that corner of Randy's Transmissions. They have done a lot of clean up and work there thus far. They are trying to bring in a 24x24 Tuff Shed and put it in the back southeast corner. This is a waiver of the setbacks. They need to get the building closer to the boundary line. To aid in protecting the community they are going to put a 6 foot privacy fence on the exterior border. Right now it is chain link and it will be better for the security of the building and for the neighbors so they do not have to look in to Randy's Transmissions all the time. The Tuff Shed will be located in the corner. There will be enough setbacks for emergency personnel to get in between the fence and the building should there be a fire or anything of that nature. In doing this they will be able to capture more parts into the building so they are not out in public view.

Randy's business is very successful here and 50% of his business comes from the outside. He is bringing work from outside of Tooele County into Tooele County. Keeping a pleasant atmosphere there will be very beneficial to everyone.

Gary Pinkham asked if there is any existing utilities or irrigation back in there.

David Gumicio stated to the best of his knowledge and inspection there is not. In that corner one of the neighbors have a shed and bordering that is the alley way backyard of the neighbor who faces McMichael Street facing west. So the fence will separate that boundary line and clean it up. It will run north to south on the east border.

Drew Allen stated that the proposed fence would be vinyl or chain link with slats. He asked how susceptible they would be at leaning toward vinyl as chain link with slats within a year or two doesn't look very well.

David Gumicio stated they are already leaning toward vinyl. The chain link that is currently there needs to come down so they are willing to do that and they will check with the neighbors.

Chris Royal stated inside the shop you have air hammers, air guns, and what not so they decided that the vinyl would help insulate the sound coming from the shop and traveling out to the two houses.

Erik Stromberg moved to approve the P.U.D. to install a Tuff Shed in the southeast corner at 54 East Main Street. Gary Pinkham seconded the motion. The voting was unanimous in the affirmative and the motion carried.

4. Consideration of a minor subdivision for Eugene and Beth Marshall dividing 4.187 acres of land from one (1) lot into two (2) lots at approximately 384 South Quirk Street in the R-1-21 zone. Eugene Marshall represented this item for himself and Beth Marshall and he stated to the Commission:

He lives at 384 South Quirk Street. This minor subdivision is so his daughter and her family can build a house in his hay field. The concern he has is that the engineer wants to determine this as a major subdivision for one building lot. His house has been there for 31 years. The engineer wants to run Pear Street from Quirk Street to the section of Pear Street that was put into a subdivision in 2007 or 2008. The City abandoned Pear Street between Quirk and Hale Street in 1979. They do not have an easement for Pear Street at this time and he would like them to build a road between Pear Street that was built in the development behind them that did not follow the routing of the Pear Street that was abandoned. It was moved into the field to the North probably 40 or 50 feet. What use to run down that fence line was the main ditch for north willow irrigation. It was a ditch that was 40 feet wide and in some places 15 feet deep. The City was never going to build a road through that as long as they were flood irrigating in Grantsville. So he has a concern that the engineer wants them to build a road which means the City would be taking a portion of the lot that he

wants to deed to his daughter and part of his ground to run a road through that they don't have an easement or a right-of-way for. The minor subdivision does not need a road. They can run a private lane off the end of Pear Street now and access their house. The city engineer is trying to put a requirement on them that the city in essence is taking ground to get them to allow his daughter to build her house and it is a substantial amount of ground. Another problem he has is when they built the subdivision to the west of him he agreed to an easement for the sewer line and at that point in time they ran a sewer line down the side of his hay field and left manholes three feet above ground. That was with the assumption that Pear Street was going to go through that property. He would like it approved as he submitted it.

Gary Pinkham stated as it is submitted the back lot does not have any legal access to it. They have had issues lately where several people with subdivisions basically ignoring the existing street master and the use plans. They are coming in with ideas of their own that are not consistent with what the City has put in place.

Eugene Marshall stated they could build a lane to the end of Pear Street. Private Lanes are approved in Grantsville as he has seen plenty of them in town. Services are stubbed at the end of Pear Street. If Pear Street is on the master plan the easement was abandoned in 1979 and his property description when he bought his ground described it to the middle of abandoned Pear Street. Pear Street does not exist through that property nor an easement or right-of-way.

Jennifer Williams stated it does show it was vacated in 1979. If you look at the street master plan Pear Street is dotted in. Which doesn't mean there is a road there it means the City anticipates there will be a road there in the future. When they discussed abandoning it in 1979, it was mentioned that it did not need to be abandoned because it didn't exist. It is a road that potentially the City would like to see there.

Attorney Linares stated that there are several roads that we don't have easements to that we want to put into place. There is no way you can develop communities and always retain easements to every road you may need in the future. That is not realistic. We do approve private lanes for minor subdivisions but they do need to show in the drawings and be recorded as such.

Erik Stromberg asked what we do when someone builds a home right where a proposed road is suppose to go according to the street master plan.

Attorney Linares stated you do not let that happen. We would not issue the building permit.

Jennifer Williams stated when they built Hale Estates Subdivision, Pear Street coming through was discussed. The sewer easement is where it is because they anticipated it being in the road.

Eugene Marshall stated when he allowed for the sewer easement to go through the developer said the city did not want to have lift station so in order for him to put the sewer line in it had to follow the sloop of the ground and the only way he could do that was to go through his property. So he allowed the easement, with the agreement with the developer not the City that the manholes would be put in at grade. The city engineer required them to be three feet above grade.

Drew Allen stated he sympathizes that some of his property may ultimately become a road instead of his field. But from the City's perspective they do need to look at those transportation things and having situations where streets end a couple 100 yards short of connecting to other roads to create good traffic flow does not be make sense.

Eugene stated when that was penciled in he is sure what they wanted was a street that connects Hale and Quirk. Now there is a street south of him that does connect Hale and Quirk. There is not driving need to have this street connect Hale and Quirk. Even if you connect Hale and Quirk, instead of running one and half blocks it runs two blocks dead ended on both ends.

Attorney Linares stated they have been working on the other ends of Pear. They have the development going in next to DeAnn and Bill Christensen's place and they have required them to run Pear Street all the way through. They have been working with Dennis McBride to acquire property rights to go through his land as well. They are not requiring the Marshalls' put the road in.

Erick Stromberg stated having a full subdivision come in with the requirement to put in Pear Street is different than one house. We need to figure out why we are going to make a road extend to put in one house because they are not creating any more traffic. The concern is that there needs to be a designation for a private lane. It needs to be in here and designated so we can move forward. He knows time is of the essence in trying to move forward but he would recommend that they table this item and come back with it showing a private lane designation. That way they have the option to move it forward as potentially a minor subdivision.

Gary Pinkham asked if Pear is deeded to the City up to the west boundary of this property.

Attorney Linares stated it is deeded to the City. It has a temporary turnaround at that location.

Gary Pinkham asked if there is 60 feet of frontage on the back lot to the end of Pear and if that is what they are proposing for access in and out of the lot.

Eugene Marshall stated they would attach to Pear Street. Their driveway would come off the end of Pear Street which right now is 5 feet above grade. It would cost an exorbitant amount of money to put that road through there.

Attorney Linares stated again they are not asking him to put the road in. They are asking for the easement and the right to do it at a later time.

Eugene Marshall stated the engineer's comments stated that they wanted to make this a major subdivision and wanted them to install a road.

Drew Allen stated that is not what the comments stated. He reads the comment, "requirement and mechanism for the owners of Lots 1 and 2 to complete the improvements for Pear Street at the time the parcel to the south developed and the full width right-of-way became available". He stated that when the Soelberg's land to the South gets developed that is when the road would get put in.

Eugene Marshall stated they are taking 60 feet or more of his ground for nothing. It is probably an acre or acre and a half of ground between Quirk Street and existing Pear Street that they are asking him to give to the City at some point in time. He can see where a developer would be willing to do that so he can develop the ground but I am not developing. I am not making any money off this deal.

Attorney Linares stated regardless of how they resolve the Pear Street issue at the minimum it has to have a private lane. The private lane would still have the water and sewer easements in it and could never be closed off. Mr. Marshall makes the argument that most developers make that they give up that land for free but the reality usually is that the infrastructure they install drives the value of their property up substantially because now it has water, sewer, and road access which makes all their land developable. The City never comes back and says you now owe us all the money that made your property more valuable. It is a trade for a trade essentially.

Drew Allen stated the comments also mention fire hydrants. He asked if we know what the fire department's feeling is on that.

Eugene Marshall stated the fire marshal signed off on the fire hydrants within 500 feet. He does not think he should have to pay to put a fire hydrant in to solve a problem that already exists.

Erik Stromberg moved to table the minor subdivision for Eugene and Beth Marshall dividing 4.187 acres of land from one (1) lot into two (2) lots at approximately 384 South Quirk Street in the R-1-21 zone until the October 2015 agenda. Colleen Brunson seconded the motion. All voted in favor and the motion carried.

5. **Approval of minutes of the previous business meeting in August:** Drew Allen moved to approve the minutes of the August meeting. Gary Pinkham seconded the motion. All voted in favor and the minutes stood approved.
6. **Report from Council Liaison Member Neil Critchlow:** Councilman Critchlow stated when they have a work a meeting to talk about the subdivisions up on Worthington he will let the Commission know.

Gary Pinkham stated that corner is going to blow up here shortly and we need to be prepared. It hits every single piece of our infrastructure and radiates out for a mile in every direction.

A brief discussion was held regarding Planned Unit Developments.

- 7. Adjourn:** Erik Stromberg moved to adjourn the meeting at 7:49 p.m. Gary Pinkham seconded the motion. All voted in favor and the meeting adjourned.

Jennifer Williams
Zoning Administrator